THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23393 of 2003

Dated:28.08.2006

Between:

Dirisala Vankata Ramanamma, and others.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23393 of 2003

ORDER:

The seven petitioners herein purchased the land for house sites from one Sanikommu Pitchamma and her adopted son under various registered sale deeds for valuable consideration. After the Government issued orders in G.O.Ms.No.455, dated 29.07.2002, introducing a scheme for allotment of land which vested in Government, pursuant to the proceedings under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976, the petitioners made applications seeking allotment/regularization of the land in their possession. They allege that even while the applications are pending, respondents 2 and 3 came to their plots on 31.10.2003 and directed them to vacate the land without due process of law. Therefore, the present Writ Petition is filed seeking an appropriate writ of mandamus.

In the counter affidavit filed along with W.V.M.P.No.889 of 2005 the factum of filing of applications for the purpose of G.O.Ms.No.455 is not denied. It is, however, stated that as the land, which was purchased by the petitioners in Survey No.548/A1 admeasuring Ac.1.25 cents, is not treated as surplus land, necessary steps are taken to return the applications. The relevant averments made in para 8 of the counter affidavit are as under.

In reply to para 9 of the petitioner's affidavit it is

> submitted that, some of the petitioners filed applications in terms of G.O.Ms.No.455 Revenue (UC.I) Department dated 29.07.2002 for regularization of the sales. As the land in Sy.No.548/A1 measuring Ac.1.25 cents held by Sanikommu Seetharami Reddy is not treated as surplus land, there is no question of regularization of the sales. The applications received will be returned after verification on ground that the land purchased by them is within the extent of Ac.1.25 cents held by Sri Sanikommu Seetharami Reddy.

In view of the admission made by the respondents as above, this Court observes that unless appropriate orders are passed by the fourth respondent, the petitioners cannot be dispossessed from their land, especially, when admittedly the land in Survey No.548/A1 admeasuring Ac.1.25 cents purchased by the petitioners does not form part of the surplus vacant land declared by Sanikommu Subba Reddy, the husband of Sanikommu Pitchamma, one of the vendors of the petitioners.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

28.08.2006
vs